

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

V.

MATTHEW LEO KELLEY.

Case No.: 2:05-CR-122-T

**MOTION TO STAY RULING ON DEFENDANT'S EX PARTE MOTION
FOR FUNDS FOR MENTAL EVALUATION ON DEFENDANT**

COMES NOW, the defendant, Matthew Leo Kelley, by and through his attorney of record, Richard K. Keith, and moves this Honorable Court to stay its ruling on Defendant's *Ex parte Motion for Funds for Mental Evaluation* on Defendant for 10-days.

As grounds in support thereof, the following is stated:

1. On August 3, 2005, the undersigned filed an *Ex parte Motion for Funds for Mental Evaluation on Defendant* under seal.
2. During Defendant's August 11, 2005 Pre-trial Conference, this Honorable Court requested clarification of the *Ex parte Motion for Funds for Mental Evaluation on Defendant*, to be submitted no later than August 18, 2005.
3. Upon discussion with both the defendant and the United States Attorney's Office, the undersigned moves for a stay of 10-days in which to ascertain the need for said evaluation.

Respectfully submitted, on this the 17th day of August 2005.

s/Richard K. Keith
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 Attorney for Defendant Kelley
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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Kent B. Brunson, Esq.
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104

s/Richard K. Keith
OF COUNSEL